

RemarksRemarks Regarding Amendments to the Specification

9. As originally filed, the Specification referenced a “coefficient of the rolling friction [having] a value approximately less than one inch.” See Specification, page 3, lines 18-19 and page 5, lines 27-28. In the Office Action, the Examiner notes that “a coefficient of rolling friction, as typically defined, is a unit-less value.” Office Action, page 2, para. 1. The Examiner also notes that a “coefficient of rolling friction is an indication of the relationship between two materials.” Office Action, page 2, para. 1. The amendments to paragraphs 1 and 3 of the Specification, as set forth above under Amendments to the Specification, remove all references to a coefficient of rolling friction. As a result, there is no need to quantify a coefficient of rolling friction. Nor is there a need to indicate a relationship between two materials. It is therefore respectfully submitted that these amendments have adequately addressed the objections of the Examiner to the Specification.

10. As originally filed, the Specification discloses a “crossbar [that] can be formed with a bow or bend in its center” (Specification, page 3, lines 5-6), wherein the “crossbar is bent at an approximately forty-five degree (45 degree) angle” (Specification, page 3, lines 6-8), and wherein “[s]pecifically, the bow 30 is bent at an approximately forty-five degree angle” (Specification, page 5, lines 13-14). In the Office Action, the Examiner notes that “[i]t is not clear whether applicant intended the 45 degree angle to refer to the angle between the grips 31a and 31b and the axis 18 of crossbar 16.” Office Action, page 3, para. 3. Generally, an application, including its specification, may be amended to clarify or complete the prior disclosure. *Triax Co. v. Hartman Metal Fabricators, Inc.*, 479 F.2d 951, 956-957, 178 USPQ

142, 146 (2d Cir. 1973), *cert. denied*, 414 U.S. 1113 (1973). In order to clarify which angle is referred to by the Specification, the Specification has been amended, as provided under Amendments to the Specification, paragraph 5, above, to include a reference to angles A and A', which are illustrated in FIG. 2. In conjunction, angles A and A' are added to FIG. 2, as provided under Amendments to the Drawings, paragraph 7, above.

11. Generally, the “[d]rawings constitute an adequate description if they describe what is claimed and convey to those of skill in the art that the patentee actually invented what is claimed.” *Cooper Cameron Corp. v. Kvaerner Oilfield Products, Inc.*, 291 F.3d 1317, 1322, 62 USPQ2d 1846 (Fed. Cir. 2002). In addition, a specification of an application may be amended “so as to add statements not originally contained in it to *conform* to originally filed drawings. . . . The practical, legitimate enquiry in each case of this kind is what the drawing in fact discloses to one skilled in the art. Whatever it does disclose may be added to the specification in words without violation of the statute and rule which prohibit ‘new matter’” *In re Wolfensperger*, 302 F.2d 950, 955, 133 USPQ 537, 542 (CCPA 1962) (emphasis added); *see also*, MPEP § 2163.06 and § 2163.07. It is respectfully submitted that FIG. 2 discloses and describes a hand grip comprising a crossbar, wherein the crossbar has a bow in its center that is bent at an angle of approximately thirty degrees (as indicated by clarifying angles A and A'). As a result, it is respectfully submitted that the amendment of the Specification, as provided in paragraphs 3 and 5 under Amendments to the Specification, above, with respect to a bow in the crossbar having an angle of approximately thirty degrees is the addition of a statement to the specification that merely allows it to conform to the originally filed FIG. 2. In addition, it is also respectfully submitted that a person of reasonable skill in the art would realize and appreciate that the bow in the center of the crossbar, as disclosed in the originally filed specification as “approximately

forty-five degrees” and as disclosed in the originally filed drawing of FIG. 2 as approximately thirty degrees, may be of any angle within the range of approximately thirty degrees to approximately forty-five degrees. As a result, it is also respectfully submitted that the amendment of the Specification, as provided in paragraphs 3 and 5 under Amendments to the Specification, above, with respect to a bow in the crossbar having an angle in the range between approximately thirty degrees and approximately forty-five degrees is the addition of a statement to the specification that merely allows it to conform to the originally filed specification and FIG. 2.

Remarks Regarding the Drawings

12. As originally filed, the Specification provides as follows:

“Additionally, the crossbar can be formed with a bow or bend in its center. For this embodiment, the bow is formed so that the crossbar is bent at an approximately forty-five degree (45 degree.) angle to establish two identifiable grips on the crossbar.” Specification, page 3, lines 5-8.

“FIG. 2 shows an alternative embodiment of the present invention having a crossbar 16' formed with a bow 30, or bend, at the center of the crossbar 16. As shown, the bow 30 effectively establishes a grip 31a between end 20 and bow 30 of the crossbar 16'. Similarly, a grip 31b is established between the end 22 and the bow 30 of the crossbar 16'. Specifically, the bow 30 is bent at an approximately forty-five degree angle. Also shown in FIG. 2 is a first clip 32 that is attached to

the first end 20 of the crossbar 16, and a second clip 34 that is attached to the second end 22 of the crossbar 16.” Specification, page 5, lines 9-16.

13. In the Office Action, the Examiner notes that “[i]t is not clear whether applicant intended the 45 degree angle to refer to the angle between the grips 31a and 31b and the axis 18 of crossbar 16.” Office Action, page 3, para. 3. As discussed above in paragraph 10 of these Remarks, this uncertainty has been eliminated by amending the Specification and FIG. 2 to reference angles A and A’.

14. In the Office Action, the Examiner notes that the “crossbar formed with a bow at the center bent at an approximately 45 degree angle must be shown.” Office Action, page 2, para. 2. In addition, the Examiner notes that “the specification describes the bow 30 bent at an approximately 45 degree angle (page 5, lines 13-14), but Fig. 2 shows the bow 30 bent at an approximately 110 degree angle (the angle between the two grips 31a and 31b).” Office Action, page 3, para. 3. As discussed above in paragraph 11 of these Remarks, the Specification has been amended to conform to the disclosure of the drawing of FIG. 2, as originally filed. It is therefore respectfully submitted that the amendment of the Specification, as provided in paragraphs 3 and 5 under Amendments to the Specification, above, has overcome this objection to the drawing of FIG. 2.

Remarks Regarding the Amended and New Claims

15. The claims of an application may generally be amended as long as they are supported by the disclosure of the application under 35 U.S.C. § 112. *See* MPEP § 2163.06I. With respect to the Application, Claim 1 has been amended to claim a hand grip comprising a crossbar defining an axis, said crossbar having a first end, and a second end, wherein said

crossbar is formed with a bow at the center of said crossbar and wherein said bow is bent at an approximately forty-five degree angle. This is in contrast to the original Claim 1, which claimed a hand grip comprising a crossbar defining an axis without the bow at the center of the crossbar. Thus, dependent Claims 1 through 7 (excluding the cancelled claims) now also claim a hand grip comprised of a crossbar formed with a bow at the center of the crossbar wherein the bow is bent at an approximately forty-five degree angle. Similarly, Claim 8 has been amended to claim a method for exercising, the method providing a hand grip wherein the hand grip is comprised of a crossbar defining an axis, said crossbar having a first end, and a second end, wherein said crossbar is formed with a bow at the center of said crossbar and wherein said bow is bent at an approximately forty-five degree angle. This is in contrast to the original Claim 8, in which the method provided a hand grip comprising a crossbar defining an axis without the bow at the center of the crossbar. Thus, dependent Claims 9 through 13 now also claim a method that provides a hand grip comprised of a crossbar formed with a bow at the center of the crossbar wherein the bow is bent at an approximately forty-five degree angle. The Applicant believes that the disclosure of the Application specifically describes a hand grip of the nature set forth in the amended claims of the Application. It is therefore respectfully submitted that the amendments to the originally filed claims of the Application are supported by the disclosure of the Application in accordance with 35 U.S.C. § 112, so that such amendments should be allowed.

16. New Claim 14 of the Application claims a hand grip comprising a crossbar defining an axis with a bow at the center of said crossbar wherein the bow is bent at an angle in the range from approximately thirty degrees to approximately forty-five degrees. New dependent Claim 15 claims a hand grip comprising a crossbar defining an axis with a bow at the center of said crossbar wherein the bow is bent at an angle of approximately thirty degrees. New

Claim 16 claims a method for exercising, which comprises providing a hand grip wherein the hand grip is comprised of a crossbar defining an axis, said crossbar having a first end, and a second end, wherein said crossbar is formed with a bow at the center of said crossbar and wherein said bow is bent at an angle in the range from approximately thirty degrees to approximately forty-five degrees. New dependent Claim 17 claims a method of exercising according to Claim 16, wherein the bow at the center of said crossbar is bent at an angle of approximately thirty degrees. These new claims are added to claim matter the Applicant believes to be originally contained in the disclosure of the Application. Thus, it is respectfully submitted that new Claims 14-17 of the Application are supported by the disclosure of the Application in accordance with 35 U.S.C. § 112, so that such amendments should be allowed.

Remarks Regarding Claim Objections

17. In the Office Action, the Examiner objected to Claim 2 on the grounds that it references a coefficient of rolling friction “being less than one inch.” Office Action, page 3, para. 4. Claim 2 has been cancelled. See Amendments to the Claims, above. The Applicant believes that this amendment remedies this objection by the Examiner. Thus, it is respectfully submitted that this objection of the Examiner has been overcome.

18. In the Office Action, the Examiner objected to Claim 8 on the grounds that it recites “said device” without proper antecedent basis. Office Action, page 3, para. 5. Claim 8 has been amended to substitute “at least one hand grip” for “device.” See Amendments to the Claims, above. The Applicant believes that this amendment remedies this objection by the Examiner. Thus, it is respectfully submitted that this objection of the Examiner has been overcome.

Remarks Regarding Amendments to the Claims and Claim Rejections Under 35 U.S.C. § 102

19. In the Office Action, the Examiner rejected Claims 1-3, 5-9, and 11-13 under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over, *Bold Jr.* (U.S. Patent No. 4,900,017). Office Action, pages 4-5, para. 7. Applicant realizes and appreciates that the Examiner has not had an opportunity to evaluate the claims of the Application in their amended form. In an attempt to be fully responsive to the Office Action, however, the Applicant respectfully submits that the amendments to the claims set forth above under Amendments to the Claims remove the basis for these rejections.

20. Generally, prior art is anticipatory only if every element and limitation of the claimed invention is disclosed in a single item of prior art in the form literally defined in the claim. *Jamesbury Corp. v. Litton Indus. Products*, 756 F.2d 1556, 225 USPQ 253 (Fed. Cir. 1985); *Atlas Powder Co. v. du Pont*, 750 F.2d 1569, 224 USPQ 409 (Fed. Cir. 1984); *American Hospital Supply v. Travenol Labs.*, 745 F.2d 1, 223 USPQ 577 (Fed. Cir. 1984). *Bold Jr.* generally discloses a device that is comprised of a first wheel member 22 and a second wheel member 24 rotatably mounted at the ends of a “central longitudinal axle 26”. Col. 8, lines 50-60. In addition, an inertial mass 28 is mounted at each end of the axle 26, wherein each inertial mass 28 translates with the axle 26, but does not rotate with the wheels 22, 24. Col. 8, lines 60-68. *Bold Jr.* also discloses exercises that may be performed using the device in sitting, standing, kneeling, or lying positions. Col. 13, lines 53-58. Thus, the Applicant respectfully submits that *Bold Jr.* does not disclose each and every element and limitation of the hand grip of the present invention, as disclosed and claimed in the amended Application. For example, the hand grip of the invention has a crossbar with a bow in it, wherein the bow is bent at an angle in the range from approximately thirty degrees to approximately forty-five degrees. In contrast, the device of

Bold Jr. comprises a “longitudinal axle.” *Bold Jr.* does not disclose an axle having a bow in it. As a result, it is respectfully submitted that the axle of *Bold Jr.* is not the same element as the crossbar of the hand grip claimed in the Application, as amended, so that *Bold Jr.* does not anticipate Claims 1-7 and 14-15 of the amended Application under 35 U.S.C. § 102. In addition, *Bold Jr.* discloses using a device comprising a “longitudinal axle” to perform certain exercises. In contrast, the amended Application claims methods of exercising selected muscles utilizing a hand grip comprising a crossbar, wherein the crossbar is formed with a bow at its center. *Bold Jr.* does not disclose performing exercises with a hand grip comprising a crossbar with a bow in its center. It is therefore also respectfully submitted that the exercises of *Bold Jr.* are not the same as the methods of exercise of the amended Application, so that *Bold Jr.* does not anticipate Claims 8-13 and 16-17 of the Application under 35 U.S.C. § 102.

21. One again, Applicant realizes that the Examiner has not had an opportunity to evaluate the claims in their amended form. In an attempt to be fully responsive to the Office Action, however, the Applicant respectfully submits that the claims, as amended, are not obvious over *Bold Jr.* With respect to a rejection of claims under 35 U.S.C. § 103(a), the burden is on the examiner to establish a prima facie case of obviousness. *In re Piasecki*, 745 F.2d 1468, 223 USPQ 758 (Fed. Cir. 1985); *In re Reuter*, 651 F.2d 751, 210 USPQ 249 (CCPA 1981). In addition, “[o]bviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, *absent some teaching, suggestion or incentive* supporting the combination.” *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984) (emphasis added). It is respectfully submitted that *Bold Jr.* does not contain any teaching or suggestion that the longitudinal axle may have a bend in its center or at any other location. For example, *Bold Jr.* specifically discloses a “longitudinal”

axle, but it does not mention an axle having a bow. Nor does *Bold Jr.* appear to suggest that a bow may be utilized in the axle. Further, *Bold Jr.* does not appear to provide an incentive for the axle to have a bow in its center or at any other location. For example, *Bold Jr.* provides that “the quality and quantity of the exercise is determined by the acceleration applied by the user and the mass of the exercising unit.” Col. 9, lines 45-47. *Bold Jr.* does not provide an indication that having a bow in the axle would enhance the quality or quantity of the exercise. Nor does *Bold Jr.* provide any other incentive to provide a bow in the axle. As a result, it is respectfully submitted that the claims of the Application, as amended, are not obvious over *Bold Jr.*

Remarks Regarding Amendments to the Claims and Claim Rejections Under 35 U.S.C. § 103

Obviousness Over *Bold Jr.* in View of *Ilic*

22. In the Office Action, the Examiner rejected Claims 1-3 and 5-13 under 35 U.S.C. § 103(a) as being obvious over, *Bold Jr.* in view of *Ilic* (U.S. Patent No. 6,602,170 B2). Office Action, page 5, para. 9. As discussed in more detail in paragraphs 15 and 16, above, the claims of the Application have generally been amended to provide for a hand grip having a bow in the center of the crossbar thereof. One again, Applicant realizes and appreciates that the Examiner has not had an opportunity to evaluate the claims of the Application in their amended form. In an attempt to be fully responsive to the Office Action, however, the Applicant respectfully submits that the claims, as amended, are not obvious over *Bold Jr.* in view of *Ilic*.

23. *Bold Jr.* has been discussed in paragraphs 20 and 21, above, which discussion is incorporated in this paragraph 23. *Ilic* generally discloses a platform 10 accommodating two roller bases 14a and 14b, which may be used to perform torso exercises. Col. 3, lines 14-16; Col. 3, lines 25-35. Each of the two roller bases 14a, 14b are comprised of a diagonally oriented

handle portion 13 that spans a pair of front and rear roller portions 9a, 9b. Col. 3, lines 36-40. The two roller bases may be used to perform various exercises. See Col. 3, line 65 through Col. 4, line 67.

24. With respect to a rejection of claims under 35 U.S.C. § 103(a), the burden is on the examiner to establish a prima facie case of obviousness. *In re Piasecki, supra; In re Reuter, supra*. In addition, “[o]bviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, *absent some teaching, suggestion or incentive* supporting the combination.” *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 732 F. 2d at 1577, 221 USPQ at 933 (emphasis added). The mere fact that references can be combined or modified does not render the resultant combination obvious, unless the prior art also suggests the desirability of the combination. *In re Kotzab*, 217 F.3d 1365, 1371, 55 USPQ2d 1313, 1318 (Fed. Cir. 2000). See also, MPEP § 2143.01. As discussed above under paragraphs 20 and 21, it is respectfully submitted that *Bold Jr.* does not contain any teaching or suggestion that the longitudinal axle of its device may have a bend in its center or at any other location. Nor does there appear to be any teaching, suggestion or incentive to perform exercises with a device having a bow in the center of the axle of the device. In addition, *Ilic* does not appear to teach or suggest that the handle portion of each of the roller bases may have a bow in its center. Nor does there appear to be any incentive in *Ilic* for the handle portion of the roller bases to have a bow in the center of the handle portion. In contrast, *Ilic* indicates that the “diagonally oriented handles eliminate wrist strain and have the further advantage of facilitating sideways movement.” Col. 3, lines 22-24; see also, Col. 4, 14-20. *Ilic* also touts advantages of aspects of the roller design (Col. 3, lines 61-64; Col. 4, lines 14-20; Col. 4, lines 42-48) and the platform design (Col 3, lines 53-60), but absent is any incentive for or advantage of a bow in the center of the handle portion

of the roller bases. As a result, it is respectfully submitted that the claims of the Application, as amended, are not obvious over *Bold Jr.* in view of *Ilic*.

Obviousness Over *Brockett et al.* in View of *Schnell*, *Frasco et al.*, and *Anastasi*

25. In the Office Action, the Examiner rejected Claims 1 and 4-7 under 35 U.S.C. 103(a) as being obvious over *Brockett et al.* (U.S. Patent No. D287,526), in view of *Schnell* (U.S. Patent No. 4,455,020), *Frasco et al.* (U.S. Patent No. 6,436,015 B1), and *Anastasi* (U.S. Patent No. 5,741,206). Office Action, page 6, para. 10. As discussed in more detail in paragraphs 15 and 16, above, the claims of the Application have generally been amended to provide for a hand grip having a bow in the center of the crossbar thereof. One again, Applicant realizes and appreciates that the Examiner has not had an opportunity to evaluate the claims of the Application in their amended form. In an attempt to be fully responsive to the Office Action, however, the Applicant respectfully submits that the claims, as amended, are not obvious over *Brockett et al.*, in view of *Schnell*, *Frasco et al.*, and *Anastasi*.

26. With respect to a rejection of claims under 35 U.S.C. § 103(a), the burden is on the examiner to establish a prima facie case of obviousness. *In re Piasecki, supra*; *In re Reuter, supra*. In addition, “[o]bviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, *absent some teaching, suggestion or incentive* supporting the combination.” *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 732 F. 2d at 1577, 221 USPQ at 933 (Fed. Cir. 1984) (emphasis added). The mere fact that references can be combined or modified does not render the resultant combination obvious, unless the prior art also suggests the desirability of the combination. *In re Kotzab*, 217 F.3d at 1371, 55 USPQ2d at 1318 (Fed. Cir. 2000). *See also*, MPEP § 2143.01. Further, where a reference specifically “teaches away”

from the limitation or combination, that reference acts to demonstrate a lack of obviousness. *See In re Doe Chemical Co.*, 837 F.2d 469, 5 USPQ2d 1529 (Fed. Cir. 1988); *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *In re Nielson*, 816 F.2d 1567, 2 USPQ2d 1525 (Fed. Cir. 1987).

27. *Brockett et al.*, as a design patent, discloses a design for a barbell. *See Brockett et al.*, Title, Claim, and description of FIG. 1. The barbell is comprised of a bar that has a series of bends in the bar. It is respectfully submitted that there are several reasons why *Brockett et al.* does not support a finding that the invention of the Application is obvious. First, a barbell is defined to be a “bar with adjustable weights at each end, lifted for sport or exercise.” *The American Heritage Dictionary of the English Language*, Houghton Mifflin Company, Boston (4th ed., 2000). This general definition appears to be supported by patents cited in the Office Action. *See e.g., Illic*, Col. 4, lines 45-47; *Frasco et al.*, Col. 1, lines 12-40. There is nothing apparent in *Brockett et al.* that teaches or suggests that the barbell disclosed therein is anything other than a barbell or can be used for any purpose other than lifting weights against the force of gravity. For example, the descriptions of the drawings do not indicate the barbell can be used for any purpose other than lifting weights against the force of gravity. Similarly, the drawings do not appear to disclose any feature or element that indicates the barbell is intended to be used for any purpose other than a standard barbell. Neither the descriptions nor the drawings of *Brockett et al.* indicate any intent to use the barbell as an exercise device interactive with a surface. In contrast, the hand grip is specifically for use in conjunction with a surface. Second, the Publications cited in *Brockett et al.* appear to indicate that the patent’s examiner viewed the barbell solely as a barbell (cites referring to a “curl bar” and a “Barbell,” without citing any reference to any other type of exercise equipment). Third, *Brockett et al.* appears to teach away

from the shape of the crossbar of the hand grip claimed in the Application. For example, *Brockett et al.* states that “[t]he characteristic feature of our design resides in the *particular combination of bends* of the bar member as best shown in FIG. 2” (emphasis added). The particular combination of bends of the bar illustrated in FIG. 2 of *Brockett et al.* discloses five distinct bends. Moving from left to right along the bar of *Brockett et al.*, a first bend turns the bar upward, a second bend turns the bar downward, a third bend turns the bar upward again, a fourth bend turns the bar downward again, and a fifth bend turns the bar along the axis defined by the first portion of the bar. Portions of the *Brockett et al.* bar are on both sides of the axis defined by the distal ends of the bar. In contrast, the crossbar of the hand grip in the Application has only three bends. A first bend turns the bar upward, a second bend turns the crossbar downward, and a third bend turns the crossbar along the axis defined by the first portion of the bar. All portions of the crossbar are on one side of the axis defined by the distal ends of the crossbar. Thus, the bow of the crossbar of the hand grip is substantially different from the “particular combination of bends” that is the “characteristic feature” of the bar of *Brockett et al.* Fourth, there is no indication in *Brockett et al.* that the weight members of the barbell are intended to be interactive with (e.g., rolled across) a surface. Fifth, there doesn’t appear to be any indication in *Brockett et al.* that the friction between the weights and the bar of the barbell should be less than the rolling friction of such weight members. As a result, it is respectfully submitted that *Brockett et al.* does not support a finding that the invention of the Application is obvious.

28. *Schnell* generally discloses a handle that comprises a metal tube section adapted to be placed over the end of the bar of another shaft, a pair of elastic bearing sleeves interposed between the sleeves and the bar, and means to axially fix at least the sleeve at the exterior of the

bar to the tube section and the bar. Col. 2, lines 1-8. For each handle, there are inner and outer elastic bearing sleeves, “this distinction being made, respectively, between the bearing sleeve proximal to the weights and the bearing sleeve remote from the weights, i.e. the bearing sleeve proximal to the end of the bar.” Col. 3, lines 49-54. Weight disks 5 and 6 are placed over the metal tube section. Col. 4, lines 10-13. It is respectfully submitted that there are several reasons why *Schnell* cannot be combined with *Brockett et al.* to support a finding that the invention of the Application is obvious. First, the structure of the handle in *Schnell* is substantially different from the structure of the wheel mountings of the hand grip of the Application. For example, the handle of *Schnell* has a metal tube section that is placed over the bar, which extends from a point along the bar to the end of the bar. A pair of bearing sleeves is interposed between the bar and the metal tube section, one sleeve being generally placed at each end of the metal tube section. Weight discs are placed over the metal tube section. There is no indication that the weight disks need be affixed to the metal tube section. In contrast, the wheels of the Application are simply mounted on the crossbar. There is no metal tube section interposed between the wheel and the crossbar. In some embodiments of the hand grip, there may be a bearing assembly between the wheel and the crossbar, but such bearing assembly appears to be substantially different from the pair of elastic bearing sleeves utilized by the *Schnell* handle, which may themselves utilize bearings (See Col. 4, lines 51-54). Second, there does not appear to be anything in *Schnell* that teaches or suggests that the disclosed handle may be combined with the barbell of *Brockett et al.* For example, *Schnell* does not appear to specifically teach or suggest that its handle may be used in conjunction with a bar having a bow in the center. In addition, *Schnell* does not appear to teach or suggest that the disclosed handle may be used for purposes of mounting wheels on a crossbar for purposes of interacting with a surface. *Schnell* does teach that “the handle of the

invention . . . has application to other sports, athletic and training equipment or apparatus whenever force transmission between a handle or bar or shaft is desired and relative rotation of the handle and the shaft must occur.” Col. 3, lines 54-60. As discussed above, however, the crossbar of the Application does not have a handle-type structure comprised of a metal tube and a pair of elastic bearing sleeves. Thus, there can be no desire to transmit force between a handle or bar for the Application’s hand grip. Nor can there be a desired relative rotation of a handle and shaft on the Application’s hand grip. Instead, in the case of the hand grip of the Application, the force is transmitted between the wheel and the crossbar and the relative rotation is between the crossbar and the wheel. In contrast, the only element of *Schnell* that appears to be similar to the wheel of the hand grip appears to be the weight disc members of *Schnell*. *Schnell*, however, appears to teach that only weight disc-type members may be mounted on the handle. *See, e.g.*, Col. 2, line 57 (“sleeve turned toward the weights”); Col. 3, lines 51-54 (“proximal to the weights” and “remote from the weights”); Col. 4, line 10 (“weight disks”); Claims 1 and 3 (“a weight-carrying bar”). *Schnell* does not appear to teach or suggest that wheels may be mounted on the metal tube section. As a result, it is respectfully submitted that *Schnell* cannot be combined with *Brockett et al.* to support a finding that the invention of the Application is obvious.

29. *Frasco et al.* generally discloses a weight plate comprised of a plate body formed with one or more openings disposed radially outward from a central throughbore. Col. 2, lines 9-22. In some embodiments, the plate member may be coated with a protective coating, such as rubber or plastic. Col. 3, lines 27-32. It is respectfully submitted that there are several reasons why *Frasco et al.* cannot be combined with *Brockett et al.* and *Schnell* to support a finding that the invention of the Application is obvious. First, *Frasco et al.* teaches use of the disclosed

weight plate in conjunction with a bar for conventional weightlifting purposes. Col. 1, lines 19-40. There is nothing apparent in *Frasco et al.* that teaches or suggests that the weight plate disclosed therein may be used for any purpose other than as a conventional weight in conjunction with a barbell. Nor is there anything in *Frasco et al.* that teaches or suggests that the weight plate may be used as a “wheel.” Further, there is nothing in *Frasco et al.* that appears to teach or suggest that the weight plate may be used interactively with a surface in the manner disclosed and claimed in the Application. Further still, *Frasco et al.* does not appear to teach or suggest that the protective coating on the weight plate may be used with a wheel. In contrast, *Frasco et al.* appears to teach away from any such uses:

“Body building equipment often takes many forms to provide the resistance necessary to tear-down muscle tissue during an exercise regimen. Modernly, many ingenious resistance developing systems or machines have been developed, and utilizing, for example, pulleyed cables connected to stacks of weights, or stretchable band-like rubber components. . . . However, while the popularity of such fitness machines typically follows cyclic trends, free-weights remain the physical fitness apparatus of choice for many individuals.

Conventional free-weights are typically of the barbell variety. Generally, a barbell includes an elongated rigid bar for grasping with one or both hands and having removable weight plates at each end.” Col. 1, lines 12-24

The hand grip of the Application is presumably one of the “ingenious resistance developing systems or machines” referred to in *Frasco et al.* *Frasco et al.* specifically indicates that the weight plate disclosed therein is for use with free-weights, as opposed to these fitness machines that typically follow a cyclic trend of popularity. As a result, it is respectfully submitted that *Frasco et al.* cannot be combined with *Brockett et al.* and *Schnell* to support a finding that the invention of the Application is obvious.

30. *Anastasi* generally discloses a weight device having an approximately constant thickness and a cross-sectional contour adapted to fit a portion of the human body. Col. 1, lines

52-55. The contour permits the weight device to be comfortably mounted about a portion of the human anatomy. Col. 3, lines 27-29. The weight device may include a pair of diametrically opposed, elongated openings. Col. 1, lines 57-60. The weight device is generally comprised of a metal mass (Col. 2, lines 44-47), which may be covered with a plastic or neoprene coating (Col. 3, lines 10-14). The weight device may be used to perform exercises as a dumbbell, in conjunction with a dumbbell or a barbell, or as an exercise implement for sit-ups, bar dips, push-ups, and other exercises. Col. 3, line 35 - Col. 4, line 18. It is respectfully submitted that there are several reasons why *Anastasi* cannot be combined with *Brockett et al.*, *Schnell*, and *Frasco et al.* to support a finding that the invention of the Application is obvious. First, there is nothing apparent in *Anastasi* that teaches or suggests that the disclosed weight may be used as a “wheel.” Further, there is nothing in *Anastasi* that teaches or suggests that the weight may be used interactively with a surface in the manner disclosed and claimed in the Application. Further still, *Anastasi* does not appear to teach or suggest that the coating on the weight may be used with a wheel. In addition, the structure of the weight in *Anastasi* is substantially different from the structure of the wheel of the hand grip of the Application. For example, the weight of *Anastasi* is contoured to fit a portion of the human body. This contour does not lend itself to rolling along a surface in the manner of a wheel. Instead, it appears to inhibit the weight’s use as a wheel. As a result, it is respectfully submitted that *Anastasi* cannot be combined with *Brockett et al.*, *Schnell*, and *Frasco et al.* to support a finding that the invention of the Application is obvious.

31. In summary, it is respectfully submitted that *Brockett et al.* discloses a barbell that is specifically limited to the “characteristic feature” that “resides in the particular combination of bends of the bar member” illustrated in the drawings of the patent. The particular combination of bends illustrated in *Brockett et al.* is substantially different from the bow in the center of the

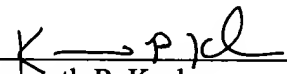
crossbar of the hand grip of the Application. There is no teaching or suggestion in *Brockett et al.* that the barbell can be used for any purpose other than conventional weightlifting or be combined with the features of *Anastasi*, *Schnell*, or *Frasco et al.* Similarly, there does not appear to be anything in *Schnell* that indicates that its handle can be combined with the barbell of *Brockett et al.* to produce the wheel mounting structure of the hand grip of the Application. The structure of the *Schnell* handle appears to be substantially different from the wheel mounting of the Application. Further, *Frasco et al.* discloses a weight plate, but does not teach or suggest that the weight plate may be used as a wheel in conjunction with an exercise device that interacts with a surface. Finally, *Anastasi* discloses a weight device that is not shaped as a wheel, and which cannot reasonably be used as a wheel. Nor does *Anastasi* teach or suggest that the weight device can be used as a wheel. Thus, it is respectfully submitted that the weight plate of *Frasco et al.* and the weight device of *Anastasi* may not be combined with *Brockett et al.* and *Schnell* to obviate the invention of the Application. As a result, it is also respectfully submitted that the invention of the Application is not obvious over *Brockett et al.*, in view of *Schnell*, *Frasco et al.*, and *Anastasi*.

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In view of the foregoing, it is respectfully submitted that the claims of the Application, as amended and presently pending in the Application, are in condition for allowance, and notice to this effect is earnestly solicited.

Respectfully submitted,

Douglas I. Lovison

By 
Kenneth P. Krohn
Attorney For Applicant
Registration No. 51, 901

2131 Palomar Airport Road
Suite 320
Carlsbad, California 92009
Telephone: 760.431.5700